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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODRIGO VALENCIA VELAZQUEZ,

Defendant.

CASE NO. 1:22-CR-00285-JLT

MOTION TO DISMISS PETITION FOR
VIOLATION OF SUPERVISED RELEASE
WITHOUT PREJUDICE; VACATE CONTESTED
HEARING; ORDER

DATE: November 13, 2023
TIME: 11:30 a.m.
COURT: Hon. Jennifer L. Thurston

The United States of America, by and through Phillip A. Talbert, United States Attorney, and Brittany M. Gunter, Assistant United States Attorney, moves to dismiss without prejudice the Petition for Violation of Supervised Release in the interest of justice. Dkt. 4.

The Petition charged Rodrigo Valencia Velazquez (“the defendant”) with a single new law violation. The new law violation related to an incident from April 2023, when the defendant allegedly hit the Victim, threatened her, falsely imprisoned her, and damaged her phone. The government spoke with the Victim and understands she does not want to participate in this case. The government also understands the Victim reconciled with the defendant prior to his arrest related to the Petition. The State has filed charges against the defendant but indicated the outcome is likely dependent on the Victim’s cooperation.

The parties have reached a resolution wherein the defendant has agreed to a modification of the conditions of his supervised release related to his mental health treatment. In exchange for agreeing to

1 the modification, and considering the cooperation issues with the Victim, the government and Probation
2 agreed to move to dismiss the pending Petition.

3 The government requests that the Court dismiss the Petition and vacate the Contested Hearing
4 currently scheduled for November 13, 2023.

5 The defendant is presently in custody in the Fresno County Jail. The government requests that
6 the Court order the defendant released from custody and returned to Supervised Release. The
7 government requests that the Court order the defendant to report to his Probation Officer within 72 hours
8 of release from custody.

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10 Dated: November 9, 2023

PHILLIP A. TALBERT
United States Attorney

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12 By: /s/ BRITTANY M. GUNTER
13 BRITTANY M. GUNTER
Assistant United States Attorney
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ORDER

Based upon the foregoing, the Court **ORDERS**:

1. The Petition for Violation of Supervised Release in this case is withdrawn and **DISMISSED** in the interest of justice without prejudice. Dkt. 4. All future dates related to the Petition for Violation of Supervised Release including the Contested Hearing scheduled for November 13, 2023, are VACATED.

2. The defendant is hereby ordered immediately **RELEASED** from custody.

3. The defendant is **ORDERED** to report to his U.S. Probation Officer within 72 hours of release from custody. All other conditions of the defendant's Supervised Release shall remain in full force and effect.

4. The Court sets a status conference on **December 18, 2023** at 10:00 a.m. The defendant is **ORDERED** to appear at that hearing. At least one week in advance of the hearing, the U.S. Probation Office **SHALL** file a report detailing the defendant's performance on supervised release.

IT IS SO ORDERED.

Dated: **November 9, 2023**


UNITED STATES DISTRICT JUDGE